IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 9213 of 2004

Between:

1. Transmission Corporation of A.P., Ltd.,

(APTRANSCO), rep. by its Chief Managing

Director, Vidyut Soudha, Hyderabad.

2. The Eastern Power Distribution Company

of A.P.Ltd., rep. by its Managing Director,

Dhaba Gardens, Visakhapatnam.

3. The Superintendent Engineer, Operation Circle,

Eastern Power Distribution Company of A.P.,

Ltd., AP TRANSCO, Srikakulam District.

4. The Senior Accounts Officer, Operation Circle,

Eastern Power Distribution Company of A.P. Ltd.,

AP TRANSCO, Srikakulam District.

.. PETITIONERS

AND

1. The A.P. State Consumer Disputes Redressal

Commission, Hyderabad.

2. M/s.Shiva Sagar Paper & Chemicals Ltd.,

Akkurade Village, Jalamuru Mandal,

Srikakulam District, rep. by its Managing

Director V.Jagadish.

.RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction preferably one in the nature of Writ of Certiorari directing the Respondents to set-aside the order Passed by the 1st Respondent in CDIA No. 578/2004 in C.D.
No. 15/2004 dated 19-04-2004.

Counsel for the Petitioner:SMT.M.VINOBHA DEVI

Counsel for the Respondent No.2: SRI DUBA V. NAGARJUNA BABU

The Court made the following:

ORDER: (Per BRSR,J)

The following order, dated 19-04-2004, passed by the A.P. State Consumer Disputes Redressal Commission, Hyderabad (for short “the Commission”), in C.D.I.A.No.578 of 2004 in C.D.No.15 of 2004 is challenged in this writ petition.

> "Heard the learned counsel for the complainant, Mr. Duba V. Nagarjuna Babu. There shall be an Interim direction to opposite parties 2 to 4 to restore the power supply forthwith only on the condition of the complainant paying a sum of Rs.5.00 lakhs to them. Post on 15.6.2004."

The Transmission Corporation of Andhra Pradesh Limited and three others filed this writ petition invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India challenging the correctness of the impugned order passed by the Commission.

Smt. M.Vinobha Devi, learned Standing Counsel appearing on behalf of the petitioners, *inter alia,* contended that the very complaint filed by the second respondent-complainant before the Commission is not maintainable in law. It is not a fit case for grant of any interim order, whatsoever, since the complainant consistently failed to comply with the directions issued even by this Court from time to time. Sri Duba V. Nagarjuna Babu, learned counsel appearing on behalf of the complainant, made an attempt to support the impugned order.

However, during the course of hearing of this writ petition, almost a consensus is arrived at that some further amounts are required to be deposited by the complainant, if power supply is to be restored, enabling the complainant to carry on its business activities. There is some variation between the learned Standing Counsel appearing on behalf of the petitioners and the learned counsel for the complainant with regard to the quantum of amount that is required to be deposited during the pendency of the complaint before the Commission.

That having regard to the consensus, we consider it appropriate to direct the second respondent/complainant to deposit a sum of Rs.40,00,000/- (Rupees Forty Lakhs only) within a period of three months from today either in lump sum or in such installments as it may wish to do so. The supply of power shall be restored on payment of Rs.40,00,000/-. This deposit shall be subject to

the result of the dispute raised by the complainant in the Commission. The Commission shall frame a preliminary issue as to the maintainability of the complaint and shall accordingly decide the same, provided such an application is filed by the petitioners herein. However, the enquiry into the matter by the Commission shall be commenced only after the complainant depositing the amount in terms of this order.

One of the factors we have taken into consideration for passing this interlocutory order is that this Court by its order, dated 18-05-2004, kept the impugned order passed by the Commission under suspension and it is in operation for a period of more than seven months.

The writ petition is accordingly disposed of without any order as to costs.

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B. SUDERSHAN REDDY, J.

Date:31-01-2005.

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C.V. RAMULU, J.

GS/PV

To

1. The Chief Managing Director,

Transmission Corporation of A.P., Ltd.,

(APTRANSCO), Vidyut Soudha, Hyderabad.

2. The Managing Director,

Eastern Power Distribution Company

of A.P.Ltd., Dhaba Gardens, Visakhapatnam.

3. The Superintendent Engineer, Operation Circle,

Eastern Power Distribution Company of A.P.,

Ltd., AP TRANSCO, Srikakulam District.

4. The Senior Accounts Officer, Operation Circle,

Eastern Power Distribution Company of A.P. Ltd.,

AP TRANSCO, Srikakulam District.

5. The Registrar, A.P. State Consumer Disputes Redressal

Commission, Hyderabad.

6. Two C.D. copies